

AMENDED IN ASSEMBLY APRIL 22, 2003

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 366**

**Introduced by Assembly Member Mullin**

February 14, 2003

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An act to amend Section 1522.02 of the Health and Safety Code, relating to care facilities, ~~making an appropriation therefor~~, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 366, as amended, Mullin. Child care: substitute employee registry.

Existing law authorizes the State Department of Social Services to adopt regulations to create substitute care facility employee registries for persons working at more than one facility licensed by the department, in order to permit these registries to submit fingerprint cards and child abuse index information for child care registries. Existing law additionally authorizes the department to operate a substitute child care employee registry pilot program for the above purposes, pursuant to specified criteria, and to charge an administrative fee to participating registry facilities.

This bill would specify that a child care worker employed by the substitute employee registry under the pilot program shall be registered with the registry, and not with an individual child care facility that temporarily employs the child care worker. The bill would require the

registry to maintain all employee records for a child care worker it employs.

~~This bill would require the department to create 2.1 staff positions to implement the pilot program, and would appropriate \$133,000 for that purpose from the General Fund to the department.~~

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: ~~yes~~ *no*. Fiscal committee: *yes*. State-mandated local program: *no*.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1522.02 of the Health and Safety Code  
2 is amended to read:

3 1522.02. (a) The department may adopt regulations to create  
4 substitute employee registries for persons working at more than  
5 one facility licensed pursuant to this chapter, Chapter 3.01  
6 (commencing with Section 1568.01), Chapter 3.2 (commencing  
7 with Section 1569), Chapter 3.4 (commencing with Section  
8 1569.70), Chapter 3.5 (commencing with Section 1596.90), or  
9 Chapter 3.6 (commencing with Section 1597.30), in order to  
10 permit these registries to submit fingerprint cards, and child abuse  
11 index information for child care registries so that these facilities  
12 have available cleared care staff.

13 (b) The department may operate a substitute child care  
14 employee registry pilot program for the purposes of subdivision  
15 (a) and may charge participating registry facilities an  
16 administrative fee. The pilot program is subject to all of the  
17 following:

18 (1) The pilot program shall be limited to screening employees  
19 for facilities licensed as child care facilities.

20 (2) Registries shall not hire any child care worker for  
21 employment at a child care facility who requires an exemption  
22 from the criminal background clearance requirements of law.

23 (3) The department shall only guarantee the authenticity of  
24 criminal background and child abuse index information that  
25 registries provide to child care facilities. Any other information  
26 provided by registries may be verified by child care facility  
27 operators.



1 (4) A child care worker employed by the substitute employee  
2 registry shall be registered with the registry, and not with the  
3 individual child care facility that temporarily employs him or her.  
4 The substitute employee registry shall maintain all employee  
5 records for a child care worker employed by the registry.

6 (5) The department may limit the operation of the pilot  
7 program to the Counties of Alameda, Contra Costa, Monterey, San  
8 Benito, San Francisco, San Luis Obispo, Santa Barbara, Santa  
9 Clara, Santa Cruz, San Mateo, and Ventura.

10 ~~(e) The department shall create 2.1 staff positions within the~~  
11 ~~Community Care Licensing Division for purposes of~~  
12 ~~implementing the pilot program authorized by subdivision (b).~~

13 ~~SEC. 2. The sum of one hundred thirty-three thousand dollars~~  
14 ~~(\$133,000) is hereby appropriated from the General Fund to the~~  
15 ~~State Department of Social Services for the purpose of financing~~  
16 ~~the 2.1 staff positions required to implement the substitute child~~  
17 ~~care employee registry pilot program established pursuant to~~  
18 ~~Section 1522.02 of the Health and Safety Code.~~

19 ~~SEC. 3.—~~

20 *SEC. 2.* This act is an urgency statute necessary for the  
21 immediate preservation of the public peace, health, or safety  
22 within the meaning of Article IV of the Constitution and shall go  
23 into immediate effect. The facts constituting the necessity are:

24 In order to expedite criminal background checks so as to enable  
25 temporary child care employees to fill emergency vacancies in  
26 child care facilities as soon as possible, it is necessary that this act  
27 take effect immediately.